



**Verified Statement (Declaration) Claiming Small Entity Status
(37 C.F.R. §§ 1.9(d) and 1.27(c)) -- Small Business Concern**

Applicant or Patentee: Ross W. Tye Attorney Docket No. 07207.002 US00
Application No. 09/411,006
Filed: October 1, 1999
For: Non-Pyrogenic, Endotoxin-Free, Stroma-Free Tetrameric Hemoglobin

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Tye Bioscience
ADDRESS OF SMALL BUSINESS CONCERN 2084 Union St San Francisco
CA 94123

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18, and reproduced in 37 C.F.R. § 1.9 (d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization (other than the small business concern identified above) having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.
☐ each person, concern, or organization is listed below.

NAME _____

ADDRESS _____
() INDIVIDUAL () SMALL BUSINESS CONCERN () NONPROFIT ORGANIZATION

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

Ross W Tye

TITLE IN ORGANIZATION

President

ADDRESS OF PERSON SIGNING

3 Solor Estates Drive Chico CA 95928-6550

SIGNATURE

Ross W Tye

DATE

3-8/2000

HOWREY & SIMON

Box No. 34, 1299 Pennsylvania Avenue, NW, Washington, D.C. 20004-2402
(202) 783-0800


Certificate Under 37 C.F.R. § 3.73(b)



Applicant: Ross W. Tye

Application No: 09/411,006 Filed: October 1, 1999

For: Non-Pyrogenic, Endotoxin-Free, Stroma-Free Tetrameric Hemoglobin

Bioscience 
Tye Biosource, Limited, a Nevada limited corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☐ An Assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[or]

B. ☒ A chain of title from the inventor of the patent application identified above to the current assignee as shown below:

1. From: Ross W. Tye To: Tye Bioscience, Limited
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

To the best of the undersigned's knowledge and belief, title of the patent application identified above is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: March 8 2000

Name: Ross W Tye

Title: President

Signature: 

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned: **Ross W. Tye** the undersigned hereby sells and assigns to **Tye Bioscience, Limited** (the Assignee) his entire right, title and interest
check applicable box(es) ☒ for the United States of America (as defined in 35 U.S.C. § 100),
☒ and throughout the world,

in the inventions known as **Non-Pyrogenic, Endotoxin-Free, Stroma-Free Tetrameric Hemoglobin** for which application for patent in the United States of America have been executed by the undersigned on 3-8-2000 (also known as **United States Application No. 09/411,006**, filed **October 1, 1999**), in any and all applications thereon, in any and all Letters Patent(s) therefor, and in any and all reissues, extensions, renewals, reexaminations of such applications or Letters Patent(s) and divisional and continuation applications thereof, to the full end of the term or terms for which such Letters Patent(s) issue, including all claims, if any, that may have arisen for infringement prior to the date of this assignment, such entire right, title and interest to be held and enjoyed by the above-named Assignee to the same extent as they would have been held and enjoyed by the undersigned had this assignment and sale not been made.

The undersigned agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference that may be declared concerning the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

The undersigned hereby represents that the undersigned has full right to convey the entire interest herein assigned, and that the undersigned has not executed, and will not execute, any agreement in conflict therewith.

The undersigned hereby grant(s)

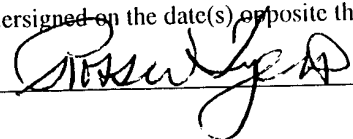
Robert A. Auchter, Reg. No. 38,069
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William D. Belanger, Reg. No. 40,509
Michael J. Bell, Reg. No. 39,604
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Alan M. Grimaldi, Reg. No. 26,599
Albert P. Halluin, Reg. No. 25,227
Leslie L. Jacobs, Jr., Reg. No. 40,659
Christopher L. Kelley, Reg. No. 42,714
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Joseph P. Lavelle, Reg. No. 31,036
Don F. Livornese, Reg. No. 32,040
David R. Marsh, Reg. No. 41,408
Christopher A. Mathews, Reg. No. 35,944
Joseph A. Micalef, Reg. No. 39,772
Erik B. Milch, Reg. No. 42,887
Matthew J. Moore, Reg. No. 42,012
Bradley J. Olson, Reg. No. 40,750
Andrew Y. Piatnicia, Reg. No. 40,772
Andrea G. Reister, Reg. No. 36,253
Timothy W. Riffe, Reg. No. 43,881
Paul D. Roath, Reg. No. 45,045
Stephen J. Rosenman, Reg. No. 29,209
Anthony W. Shaw, Reg. No. 30,104
J. David Smith, Reg. No. 39,839
Michael J. Songer, Reg. No. 39,841
Jennifer A. Tipsord, Reg. No. 40,205
William K. West, Reg. No. 22,057
Adam K. Whiting, Reg. No. 44,400
Robert J. Worrall, Reg. No. 37,969

of HOWREY & SIMON, BOX No. 34, 1299 PENNSYLVANIA Avenue, N.W., Washington, D.C. 20004-2402, power to insert in this Assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned on the date(s) and at the place(s) opposite their name(s).

Date: 3-8-2000

Signature of Inventor: 



Combined Declaration and Power of Attorney for Patent Application

Docket Number: 07207.0002 US00

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled **Non-Pyrogenic, Endotoxin-Free, Stroma-Free Tetrameric Hemoglobin**, the specification of which is attached hereto unless the following box is checked:

☒ was filed on **October 1, 1999**;
as United States Application Number **09/411,006**; and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

☐ Yes ☐ No

(Application No.)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

(Application No.)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application No.)

(Filing Date)

(Application No.)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application No.) _____ (Filing Date) _____ (Status - patented, pending, abandoned)

(Application No.) _____ (Filing Date) _____ (Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

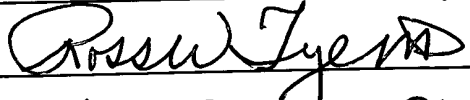
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Washington, D.C. 20004-2402
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Ross Walden Tye	
Inventor's signature		Date 3/8/2000
Residence	3 Solar Estates Drive Chico CA 95928-6950	
Citizenship	USA	
Post Office Address	3 Solar Estates Drive Chico CA 95928-6950 USA.	

Full name of second inventor	
Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	
Full name of third inventor	
Third inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

(Supply similar information and signature for subsequent joint inventors, if any)